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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 STEPHEN ROCCO,

12 Plaintiff,

13 v.

14 CIVIL SERVICE EMPLOYEES INSURANCE
COMPANY,

15 Defendant.

CASE NO: 2:18-cv-00532-JCM-VCF

**STIPULATION AND ORDER TO
ALLOW PLAINTIFF TO AMEND
COMPLAINT AND TO WITHDRAW
MOTION TO DISMISS**

16 IT IS HEREBY STIPULATED AND AGREED by the undersigned attorneys of record for
17 Plaintiff Stephen Rocco and Defendant Civil Service Employees Insurance Company as follows:
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- 19 1. Plaintiff filed his original Complaint on February 26, 2018 in the Eighth Judicial District
20 Court of Clark County, Nevada.
- 21 2. Defendant filed a Notice of Removal of Action [ECF 1] on March 23, 2018.
- 22 3. Defendant filed a Motion to Dismiss pursuant to Fed R. Civ. P. 12(b)(6) [ECF 4] on March
23 26, 2018. Plaintiff filed an Opposition to the Motion to Dismiss on April 10, 2018 [ECF 7]
24 and concurrently moved to amend his complaint, attaching a proposed First Amended
25 Complaint.
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1 4. The parties agree that Plaintiff may amend his Complaint in the form of the proposed First
2 Amended Complaint. If the stipulation to amend is approved by this Court, the Motion to
3 Dismiss will be moot.

4 5. If the stipulation is approved by the Court, Defendant will have 15 days from the date of
5 Plaintiff's filing of the First Amended Complaint in which to file its answer.

6 WHEREFORE, the undersigned request that this Court enter an Order approving the above-
7 referenced stipulation.

8
9 DATED this day of 16th day of April, 2018

DATED this day of 16th day of April, 2018

10 **WILSON, ELSER, MOSKOWITZ,**
11 **EDELMAN & DICKER LLP**

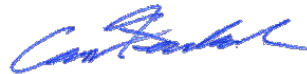
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12 BY: /s/ Sheri Thome
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22 **ORDER UPON STIPULATION**

23 GOOD CAUSE SHOWING, IT IS SO ORDERED. Plaintiff is granted leave to file the
24 proposed First Amended Complaint, which Defendant has 15 days to answer. Defendant's Motion
25 to Dismiss [ECF 4] is denied as moot.



26 UNITED STATES MAGISTRATE JUDGE

27 Dated : 4-17-2018